

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, et al.,)	
<i>ex rel. MAX H. WEATHERSBY, JR., et al.,</i>)	
)	
Plaintiffs,)	
)	Civil Action No. 10-cv-2039
)	
v.)	FILED IN CAMERA
)	AND UNDER SEAL
)	(31 U.S.C. §3730(b)(2))
)	
ENDO PHARMACEUTICALS INC., et al.,)	
)	
Defendants.)	

**UNITED STATES' NOTICE OF ELECTION TO INTERVENE IN PART
AND DECLINE IN PART**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States hereby notifies the Court of its decision to intervene in part in this action for settlement purposes and to decline in part.¹

Although the United States declines to intervene in a portion of the action, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the two relators to maintain the declined portion of the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their

¹ Paragraph 16 of the parties' settlement agreement of this same date reserves from dismissal -- until settled, adjudicated, or otherwise resolved -- the claims of the two relators in this action and the claims of relators in related actions for: (i) a "Relators' Share" of the Settlement Amount pursuant to 31 U.S.C. § 3730(d)(1); and (ii) the relators' claims for reasonable attorneys' fees, expenses, and costs pursuant to 31 U.S.C. § 3730(d)(1). The related actions are *U.S.A. et al. ex rel. Ryan v. Endo Pharmaceuticals, et al.*, E.D. Pa. No. 05-cv-3450, and *U.S.A. et al. ex rel. Dhillon v. Endo Pharmaceuticals*, E.D. Pa. No. 11-cv-7767. Paragraph 16 also reserves from dismissal the Weathersby relators': (i) claims asserted on behalf of States that are not Medicaid Participating States, (ii) currently pending claim(s) under 31 U.S.C. § 3730(h) and analogous State laws, and (iii) claims reserved in Paragraph III.3(b) of the Settlement Agreement.

reasons for consenting." Id. Therefore, the United States requests that, should either the relators or the defendants propose that the part of the action in which the United States has not intervened be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action, including as to the non-intervened part of this action, be served upon the United States; the United States also requests that all orders issued by the Court be sent to the United States' counsel. The United States reserves its right to order any deposition transcripts and to intervene in the portion of this action in which it is declining to intervene today, for good cause, at a later date.

The United States reserves the right to seek the dismissal of the relators' action or claim(s) on any appropriate grounds, including under 31 U.S.C. §§ 3730(b)(5) and (e)(4).

Respectfully submitted,

STUART DELERY

Assistant Attorney General

ZANE DAVID MEMEGER
United States Attorney

Dated: 2/21/14



MARGARET L. HUTCHINSON

Assistant United States Attorney

Chief, Civil Division

GERALD B. SULLIVAN

Assistant United States Attorney

615 Chestnut Street, Suite 1250

Philadelphia, Pennsylvania 19106

Phone: (215) 861-8282/8786

Fax: (215) 861-8618

Margaret.Hutchinson@usdoj.gov

Gerald.Sullivan@usdoj.gov

MICHAEL D. GRANSTON

JAMIE ANN YAVELBERG

BRIAN J. McCABE

Attorneys, Civil Division

U.S. Dept. of Justice Commercial Litig. Branch

601 D Street, N.W.

Washington, D.C. 20004

Phone: (202) 616-4875

Fax: (202) 514-0280

Brian.McCabe@usdoj.gov